

REMARKS

Claims 1, 3 and 4 are pending and under consideration in the above-identified application. Claims 2 and 5-46 were cancelled previously.

In the Final Office Action of June 11, 2010, claims 1, 3 and 4 were rejected.

With this Amendment, claims 1, 3 and 4 were amended. No new matter has been introduced as a result of the Amendment.

I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 was amended to correct the antecedent basis issue raised by the Examiner. Accordingly, the above rejection is now moot and Applicant respectfully requests that it is withdrawn.

II. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1, 3 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yoon et al. (U.S. Patent No. 6,482,547). Applicant respectfully traverses this rejection.

The claims require a relationship between the graphite crystalline structure and the amorphous graphite represented by the following ration $G_s = H_{sg}/H_{sd}$. Additionally, the claims require that G_s , which is the degree of graphitization of the outermost surface is ≤ 10 .

This ratio is not taught or suggested by Yoon et al. Indeed, Yoon et al. merely teaches an intensity ratio for the crystalline graphite structure and the amorphous structure as independent ranges. Yoon et al. does not teach or even fairly suggest a relationship between the two ranges, namely, $G_s = H_{sg}/H_{sd}$ as required by the claims. As such Yoon et al. does not teach all the required limitations of the claims and therefore claims 1, 3 and 4 are patentable over the above

cited reference. Accordingly, Applicant respectfully requests that the above rejections be withdrawn.

III. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda et al. (U.S. Pat. No. 6,027,833) in view of Morita et al. (EP 0861804). Applicant respectfully traverses this rejection.

Ueda et al. teaches “a ratio of the intensity of a peak within the range of 1350 to 1370 cm^{-1} to the intensity of a peak within the range of 1580 to 1620 cm^{-1} is 0.4 or more.” This ratio is not the same as the ratio required by the claims, which requires a ratio of the height of the crystalline structure, H_{sg} , to the height of the amorphous structure, H_{sd} , or 1580-1620 cm^{-1} (H_{sg}) to 1350-1400 cm^{-1} (H_{sd}). Indeed, Ueda et al. teaches a ratio that is the opposite of the ratio required by the claims, i.e. a ratio of the amorphous structure to the crystalline structure. As such, Ueda et al. fails to teach or even fairly suggest all the required elements of the claims. According, the combination of Ueda et al. and Morita et al. also fails to teach or even fairly suggest all of the claim limitations. As such, claims 1, 3 and 4 are patentable over the cited references. Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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